
By: **Senator Colburn**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Caroline, Dorchester, and Talbot Counties - Public Schools - Use of Portable**
3 **Phones**

4 FOR the purpose of establishing that the prohibition against a person possessing a
5 portable pager on public school property does not apply in Caroline, Dorchester,
6 and Talbot counties to certain persons for certain portable phones; providing
7 that in Caroline, Dorchester, and Talbot counties, a student may possess or use
8 a portable phone on public school property, subject to certain conditions;
9 defining a certain term; and generally relating to the possession and use of
10 portable phones on public school property in Caroline, Dorchester, and Talbot
11 counties.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 26-104
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Education**

20 26-104.

21 (a) [This] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THIS
22 section applies only in Baltimore City and [Caroline, Dorchester,] Somerset,
23 [Talbot,] Wicomico, and Worcester counties.

24 (b) (1) In this section the following words have the meanings indicated.

25 (2) "Portable pager" means any device carried, worn, or transported by
26 an individual to receive or communicate messages.

27 (3) "PORTABLE PHONE" MEANS A WIRELESS TELEPHONE USED FOR
28 COMMUNICATION.

1 (4) "Public school property" means the grounds of any public school.

2 (c) Except as provided in [subsection] SUBSECTIONS (d) AND (E) of this
3 section, an individual may not possess a portable pager on public school property.

4 (D) (1) THIS SUBSECTION APPLIES ONLY IN CAROLINE, DORCHESTER, AND
5 TALBOT COUNTIES.

6 (2) IN ACCORDANCE WITH THE POLICY OF THE COUNTY BOARD, A
7 STUDENT MAY:

8 (I) POSSESS A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY;
9 OR

10 (II) USE A PORTABLE PHONE ON PUBLIC SCHOOL PROPERTY
11 BEFORE OR AFTER SCHOOL HOURS.

12 [(d)] (E) This section does not apply to:

13 (1) Handicapped students using portable pagers for medical reasons;

14 (2) Law enforcement officers;

15 (3) Visitors on public school property for an authorized program,
16 meeting, or function;

17 (4) Faculty or staff members employed by a county board;

18 (5) Members of any volunteer fire department, ambulance company, or
19 rescue squad, who are designated to possess a portable pager on public school
20 property by the chief of the volunteer fire department, ambulance company, or rescue
21 squad, and the school principal; and

22 (6) Students whose portable pagers are contained in vehicles that are on
23 public school property and are not found to be connected with criminal activity.

24 [(e)] (F) If an individual violates subsection (c) OR (D) of this section, the
25 school authorities:

26 (1) On a first offense, may contact a law enforcement officer; and

27 (2) On a second or subsequent offense, shall immediately contact a law
28 enforcement officer.

29 [(f)] (G) A law enforcement officer contacted by school authorities in
30 accordance with subsection [(e)] (F) of this section:

31 (1) Shall immediately inquire as to the reasons the individual possesses
32 the pager; and

33 (2) May arrest the violator.

1 [(g)] (H) Any person who violates subsection (c) OR (D) of this section is
2 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500,
3 imprisonment not exceeding 6 months, or both.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2003.